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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/528,494

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Steven J Leverette

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EXAMINER

MAYO, TARA L

ART UNIT

PAPER NUMBER

3671

MAIL DATE

DELIVERY MODE

08/23/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/528,494	Applicant(s) LEVERETTE ET AL.	
	Examiner Tara L. Mayo	Art Unit 3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 5 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Biewer (U.S. Patent No. 3,837,309).

The Examiner notes Claim 1 is drafted in Jepson format. Drafting a claim in Jepson format (i.e., the format described in 37 CFR 1.75(e); see MPEP § 608.01(m)) is taken as an implied admission that the subject matter of the preamble is the prior art work of another. In re Fout, 675 F.2d 297, 301, 213 USPQ 532, 534 (CCPA 1982).

Biewer '309, as best seen in Figure 1, shows a floating platform comprising:

with regard to claim 1,

temporary buoyancy means (26); and

with regard to claim 2,

wherein said temporary buoyancy means comprises a removable ballast tank (via hinge 28).

Biewer '309 discloses a method of installing a floating platform comprising the steps of:

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with regard to claim 5,

a) providing said platform with removable temporary buoyancy means (26) maintaining hydrostatic stability of said platform while ballasting down to an installation draft of said platform, wherein said buoyancy means is hingedly secured (via elements 28) to said platform and in a horizontally disposed first position;

b) towing said platform to an installation site;

c) ballasting down said platform to the installation draft;

d) connecting said platform to the pre-installed tendons;

e) removing said temporary buoyancy means; and

f) deballasting said platform to develop the tendon pre-tension required to provide stability to said platform; and

with regard to claim 10,

wherein the step of ballasting down to the installation draft is performed without the use of a heavy lift crane vessel to maintain the hydrostatic stability of said floating platform.

3. Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Biewer (U.S. Patent No. 3,837,309).

Biewer '309, as best seen in Figure 20, shows a floating platform comprising:

with regard to claim 1,

temporary buoyancy means (226) mounted on radially extending pontoons (222) at distal ends thereof; and

with regard to claim 4,

wherein said temporary buoyancy means are hingedly secured to said pontoons (via elements 228).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 3 and 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Biewer (U.S. Patent No. 3,837,309) in view of Husvik et al. (U.S. Patent No. 6,022,174 A).

Biewer '309 further teaches:

with regard to claim 3,

a dry deck (i.e., the top portion of the ballast tank) on said ballast tank.

Biewer '309 disclose all of the steps of the claimed method with the exception(s) of :
with regard to claims 3 and 6,

the step of providing winch means on the temporary buoyancy means for developing initial pre-tension in pre-installed tendons for anchoring the platform at the installation site.

Husvik et al. '174, as seen in Figure 2, expressly teach the use of a winch (12) on an offshore platform for developing tension in pre-installed tendons used to anchor the platform (see col. 3, line 65 through col. 4, line 4).

With regard to claims 3 and 6, it would have been obvious to one having ordinary skill in the art at the time of invention to modify the device disclosed by Biewer '309 such that it would include a winch as taught by Husvik et al. '174. The motivation would have been to provide means for tensioning the tendons.

Response to Arguments

7. Applicant's arguments filed 12 June 2007 have been fully considered but they are not persuasive.

In response to Applicant's statements tat the combination of Biewer '309 and Husvik et al. '174 fails to teach the claimed method, the Examiner contends the method steps are well-known and inherent to the installation of the prior art system.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tara L. Mayo whose telephone number is 571-272-6992. The examiner can normally be reached on Monday through Friday 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on 571-272-6998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


TARA L MAYO
PRIMARY EXAMINER
Art Unit 3671

tlm
20 August 2007